

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 SAN ANTONIO DIVISION

4 UNITED STATES OF AMERICA, ) CRIMINAL NO. 5:13-785

)

5 vs. ) February 5, 2015

)

6 RAUL GONZALEZ,

)

7 DEFENDANT.

)

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9  
10 TRANSCRIPT OF SENTENCING  
11 BEFORE THE HONORABLE ORLANDO L. GARCIA  
12 DISTRICT COURT JUDGE

12 APPEARANCES:

13 For the Government: RUSSELL LEACHMAN, AUSA  
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16 For the Defendant: CYNTHIA HUJAR ORR, ESQUIRE  
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24 Produced by mechanical stenography; computer-aided  
25 transcription

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P-R-O-C-E-E-D-I-N-G-S

THE COURT: Now proceeding to U.S. versus Raul Gonzalez. 13-CR-785.

MR. LEACHMAN: Russell Leachman for the United States, present, Your Honor.

THE COURT: Mr. Gonzalez, have you had an opportunity to review the presentence report with your lawyer?

DEFENDANT GONZALEZ: Yes.

THE COURT: Do you understand the contents of the report?

DEFENDANT GONZALEZ: Yes.

THE COURT: Okay.

MR. LEACHMAN: May we approach on this one, Judge?

THE COURT: Yes, of course.

(Off-the-record; at sidebar.)

(End of sidebar.)

THE COURT: This is an 11(c)1(C) matter. The guidelines as agreed-upon by the parties, are offense level 33, category one. The 11(c)1(C) agreement provides 54 months, supervised release of five years to life. The agreement, however, was five years. There will be no fine as -- rather, there is a fine range of \$17,500 to 10,000 -- \$10 million. Let me see the lawyers up here again, please.

(Off-the-record; at sidebar.)

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1 (End of side-bar.)

2 THE COURT: Okay. The fine range is 17,500 to  
3 \$10 million and a 100-dollar special assessment. The Court  
4 is going to remove the two points, the gun count.

5 And are there any other matters, counselors, that  
6 we need to consider before the imposition?

7 MS. HUGAR ORR: Your Honor, I just wanted my client  
8 to hear that I had argued before Your Honor for voluntary  
9 release.

10 THE COURT: Right, and the Court has considered  
11 that and will reject that and deny that. And, however, you  
12 can file a motion to reconsider, if you wish, if you want to  
13 outline more specifically the issues, and then the  
14 government -- I'll give them ten days to respond, if you file  
15 a motion.

16 MS. HUGAR ORR: Thank you, Your Honor.

17 THE COURT: Mr. -- rather, let me ask the  
18 prosecutor, any allocution?

19 MR. LEACHMAN: Nothing further, Judge, other than  
20 to ask the Court to follow the terms in the plea agreement.

21 THE COURT: The agreement. Okay. Counselor, any  
22 allocution on behalf your client?

23 MS. HUGAR ORR: Yes, Your Honor.

24 THE COURT: Or, Mr. Gonzalez, do you wish to say  
25 anything?

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1           DEFENDANT GONZALEZ: I just offer my apologies to  
2     you, to my family, to my children. I do wish to be a better  
3     person. I just want to return to be by the side of the  
4     people who love me. I have three daughters. One is 17 years  
5     old, one is ten, and the little one is four.

6           THE COURT: All right.

7           DEFENDANT GONZALEZ: I'd offer my apologies in  
8     general to everybody, and to this Court, and that's all.

9           THE COURT: Okay.

10          MS. HUGAR ORR: Your Honor, I misunderstood when  
11     you asked me to allocute.

12          THE COURT: I'm sorry?

13          MS. HUGAR ORR: I misunderstood when you asked me  
14     to allocute on behalf of my client.

15          THE COURT: Go ahead.

16          MS. HUGAR ORR: What I wanted to say is that my  
17     client's family is here supporting him--

18          THE COURT: Yes.

19          MS. HUGAR ORR: -- his fiancée.

20          THE COURT: All right.

21          MS. HUGAR ORR: -- and his father and his sister  
22     and brother, that he is a U.S. citizen, Your Honor, so  
23     there's no concern about that. That he did accept  
24     responsibility and plead guilty, and he has at no time  
25     indicated to the government that he intended to go to trial.

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1 We ask you to accept the (c)1(C) and sentence him.

2 THE COURT: Okay.

3 MS. HUGAR ORR: And also he would request, as I  
4 mentioned, designation to either Three Rivers or Seagoville,  
5 Your Honor.

6 THE COURT: All right. Any legal reason I cannot  
7 proceed, counselor?

8 MS. HUGAR ORR: No, Your Honor.

9 THE COURT: Okay. The Court having considered the  
10 guidelines, finds them fair and consistent and -- rather,  
11 consistent with the plea agreement in this matter, the Court  
12 will impose a sentence of 54 months upon the defendant.  
13 Supervised release will be five years to comply with all  
14 conditions of supervision. There will be a fine of \$85,000,  
15 a special assessment of \$100 due immediately. The defendant  
16 does have the right to appeal this sentence, unless  
17 previously waived. This document is sealed, available for  
18 appellate review, if any. Anything else, counselor?

19 MS. HUGAR ORR: Nothing further, Your Honor.

20 MR. LEACHMAN: Just to reflect the forfeiture that  
21 we discussed, Judge, and any interest that he might have in  
22 the properties listed and in the \$120,000.

23 THE COURT: Is that agreed-upon, counsel?

24 MS. HUGAR ORR: Yes, Your Honor, but reflecting  
25 that he has no interest in the properties, and that he would

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1 say that and the government understands that.

2 THE COURT: Okay. Thank you. You're excused.

3 (Adjournment.)

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1 UNITED STATES DISTRICT COURT )

2 WESTERN DISTRICT OF TEXAS )

3 I certify that the foregoing is a correct  
4 transcript from the record of proceedings in the  
5 above-entitled matter. I further certify that the transcript  
6 fees and format comply with those prescribed by the Court and  
7 the Judicial Conference of the United States.

8 Date signed: July 25, 2015.

9  
10 /s/ Leticia Rangel

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